IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.972 of 2007
In
Criminal Appeal No.792 of 2007

Mohan Janardan Sonawane — Applicant
Vs.
State of Maharashtra — Respondent

Mr.Sandesh Patil with Mr.Prashant Jadhav for applicant.
Mr.D.R.More, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 28, 2007.

P.C.

. Heard Mr.Sandesh Patil, the learned counsel for the applicant whose Criminal Appeal No.792 of 2007 against the order of conviction and sentence for the offence punishable under Section 376 and 363 of IPC has been admitted today. The applicant has been sentenced to suffer RI for five years for the offence punishable under Section 376 and RI for three years for the offence punishable under Section 363 of IPC He prays for being released on bail during the pendency of the appeal.

. It is submitted by Mr.Patil that during the trial the accused was arrested and was released on bail after about eight months and after the order of

conviction and sentence was passed on 18/7/2007, he has immediately surrendered and presently undergoing the sentence for the last about one month or so.

. Along with the appeal memo, the learned counsel for the applicant has brought on record the depositions of the prosecutrix as recorded before the trial Court. In her cross-examination she admitted as under:

> "...I have not stated before the police that on 27.12.03 when I sent for attending nature's call accused took me by showing the knife. I have not stated before the police that I have tried to contact my parents but accused and his parents used to beat me. My statement is recorded only once. My parents admitted me in the school and I was not along with them. I do not know about my date of birth shown in school by my parents..."

. I am, therefore, satisfied that the applicant deserves to be released on bail during the pendency of the appeal.

. Hence the application is allowed and it is directed that the applicant be released on bail, unless required in some other case, in the sum of Rs.15,000/- and with one solvent surety in the like amount. It is further directed that till the pending appeal is decided by this Court, the applicant shall report to the nearest police station once in a month.

(B.H.MARL